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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **Frazier Woods Conference Center Water System**
Water System No. 1502084

TO: Jeff Whitehurst, Director
Frazier Woods Conference Center
7001 Auburn Street
Bakersfield, CA 93306

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1502084
TOTAL COLIFORM MCL VIOLATION – August 2011
Citation No. 03-19-13C-003**

Issued on March 28, 2013

STATEMENT OF FACTS

Frazier Woods Conference Center Water System (hereinafter Water System) is classified as a transient noncommunity water system and serves a transient population of approximately 250 persons through four service connections. The Water System has one active source of supply, Well 01 (PS Code: 1502084-001), one 29,000-gallon storage tank and one 5,000-gallon pressure tank. No treatment is provided to the well water. The Water System operates under the authority of a domestic water supply permit No. 03-12-96P-035 issued on November 21, 1996, by the California Department of Health Services (now California Department of Public Health).

The Southern California Drinking Water Field Operations Branch, Division of Drinking Water and Environmental Management, California Department of Public

1 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking
2 Water Act and regulations promulgated pursuant thereto.

- 3
- 4 • The Water System is required to collect one (1) routine bacteriological sample
5 per month. Please refer to the Water System's approved Bacteriological
6 Sample Siting Plan (BSSP) or Table 64423-A.
- 7 • One (1) routine bacteriological quality sample collected on August 30, 2011,
8 from the distribution system, tested positive for total coliform bacteria.
- 9 • Two (2) out of three (3) repeat bacteriological quality samples collected on
10 August 31, 2011, from the distribution system, tested positive for total coliform
11 bacteria.
- 12 • One (1) repeat source sample collected on August 31, 2011, from Well 01 (also
13 counted towards the Ground Water Rule trigger sample), tested negative for
14 total coliform bacteria.
- 15 • None of the bacteriological quality samples collected in August 2011 from the
16 distribution system or the system well, tested positive for *E.coli* bacteria.
- 17 • **Frazier Woods Conference Center Water System failed the total coliform**
18 **maximum contaminant level (MCL) for August 2011 [Section**
19 **64426.1(b)(2), *Authorities*].**
- 20 • On September 1, 2011, Charlie Howell of Seaco Technologies, Inc., (the Water
21 System's certified distribution operator on contract) notified the Department
22 that the Water System failed the total coliform MCL for August 2011.
- 23 • On September 28, 2011, a public notice and Proof of Notification were emailed
24 to the Water System for the August 2011 total coliform MCL failure.
- 25
- 26
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- 1 • On September 29, 2011, the Department received signed and dated copies of
- 2 the public notice and Proof of Notification from the Water System. According
- 3 to these documents, public notification was completed on September 29, 2011.
- 4 • On September 28, 2011, an investigation report was emailed to the Water
- 5 System for the August 2011 total coliform MCL failure.
- 6 • On September 29, 2011, the Department received a completed copy of the
- 7 investigation report in response to the August 2011 total coliform MCL failure.
- 8 The investigation report was completed by Mr. Jeff Whitehurst from the Water
- 9 System.
- 10 • The investigation report indicates the possible cause of contamination as
- 11 unknown. It is noted that Well 01 tested negative for total coliform bacteria on
- 12 August 31, 2011, and all total coliform positive samples were collected from
- 13 the distribution system. Therefore, the bacteriological quality failure in August
- 14 2011 may be attributed to the distribution system. The distribution system did
- 15 not experience any operational problems in August 2011.
- 16 • The Water System provided emergency disinfection and flushing to clear
- 17 bacteriological contamination from the distribution system.
- 18 • Five (5) routine bacteriological quality samples were collected on September
- 19 13, 2011, from the distribution system, and they all tested negative for total
- 20 coliform bacteria.
- 21 • All routine distribution and well bacteriological quality samples collected from
- 22 October 2011 – August 2012 tested negative for total coliform bacteria.
- 23 • One (1) routine bacteriological quality sample collected on September 7, 2012,
- 24 tested positive for total coliform bacteria. The Water System was required to
- 25 collect four (4) repeat samples (three from the distribution system and one from
- 26 Well 01) within 24 hours of receipt of notification of the total coliform positive
- 27

sample and failed to comply with this requirement [Section 64424(a),
Authorities].

- The Department issued Enforcement Letter No. 03-19-12E-034 on November 1, 2012, to the Water System, to document the above-mentioned monitoring and reporting violation of Section 64424(a) of Title 22, CCR.
- All routine distribution bacteriological quality samples collected from October 2012 to February 2013 tested negative for total coliform bacteria.
- Results of all bacteriological samples collected from January 2011 to February 2013 are summarized in **Attachment A**.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

“(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section.”...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

- (1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.
- (2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.
- (3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
 - (2) Directing compliance in accordance with a time schedule set by the department.
 - (3) Directing that appropriate preventative action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
- (2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64424 establishes the repeat sampling requirements, and states in relevant part:

"(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within the 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream unless there is no upstream and/or downstream service connection.

(c) If one or more samples in the repeat sample set is total-coliform positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in 64426.1 has been exceeded and notifies the Department.

(d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total-coliform positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the Department waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:

(1) The Department conducts site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.

(2) The Department determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with 64426.1."

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Department determines that the Frazier Woods Conference Center has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for August 2011 when more than one sample collected from the Water System, tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64424(a); Specifically, the Water System Specifically, during the month of September 2012, the Water System failed to collect repeat samples.

The above violations are classified as non-continuing violations.

DIRECTIVES

Frazier Woods Conference Center is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64424(a) and 64426.1(b)(2) of Title 22, California Code of Regulations (CCR).
2. In the future, the Water System shall collect the required number of repeat samples within 24 hours of notification of a routine distribution total coliform positive sample.
3. In the future, the Water System shall comply with the requirements of the Ground Water Rule and collect a bacteriological quality sample from the well within 24 hours of notification of a routine total coliform positive sample.
4. The Water System shall reimburse the Department, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the Department) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).

FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action

1 to suspend or revoke a permit that has been issued to a public water system if the
2 system has violated applicable law or regulations or has failed to comply with orders
3 of the Department; and petition the superior court to take various enforcement
4 measures against a public water system that has failed to comply with orders of the
5 Department. The Department does not waive any further enforcement action by
6 issuance of this citation.

7 8 **PARTIES BOUND**

9 This citation shall apply to and be binding upon Frazier Woods Conference Center
10 Water System, its officers, directors, agents, employees, contractors, successors, and
11 assignees.

12 13 **SEVERABILITY**

14 The directives of this citation are severable, and Frazier Woods Conference Center
15 shall comply with each and every provision thereof, notwithstanding the effectiveness
16 of any other provision.

17 18 **CIVIL PENALTY**

19 Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil
20 penalty for the failure to comply with the requirements of the Safe Drinking Water
21 Act. Failure to comply with any Directive of this Citation may result in the
22 Department imposing an administrative penalty of not less than \$200 (two hundred
23 dollars)for each day that the violation continues beyond the date set for correction in
24 this Citation.

1 The Department does not waive any further enforcement action by issuance of this
2 citation, and expressly reserves the right to issue a citation with penalties for the
3 violations on which the Directives of this citation are based.

4
5
6 March 28, 2013

7 Date

Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

10
11 **Attachment**

12 Attachment A: Bacteriological Summary January 2011 through February 2013

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14 cc: Kern County Environmental Health Services Department (w/o attachment)
Charlie Howell, Seaco Technologies

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16 JSD/an/kre
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Attachment A

Frazier Woods Conference Center

1502084

Distribution System Freq: 1/M

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>CI2</i>	<i>Violation</i>	<i>Comment</i>
1/28/2011	7:00	Main Lodge Kitche	A	A		Routine			
2/15/2011	13:30	Kitchen	P	A		Routine			
2/17/2011	10:50	Kitchen	A	A		Repeat			
2/17/2011	10:50	Men's Restroom	A	A		Repeat			
2/17/2011	10:50	Outside Drinking F	A	A		Repeat			
2/17/2011	10:50	Women's Restroo	A	A		Repeat			
3/13/2011	16:00	Main Lodge / Men'	A	A		Routine			
3/30/2011	11:15	Kitchen	A	A		Routine			
3/30/2011	11:15	Men's Restroom	A	A		Routine			
3/30/2011	11:15	Outside Drinking F	A	A		Routine			
3/30/2011	11:15	Woman's Restroo	A	A		Routine			
4/20/2011	11:25	Main Lodge Men's	A	A		Routine			
5/20/2011	13:00	Main Lodge	A	A		Routine			
6/10/2011	10:30	Timberlin Cabin	A	A		Routine			
7/12/2011	14:30	Timberline Cabin	A	A		Routine			
8/30/2011	10:05	Kitchen	P	A		Routine			
8/31/2011	13:10	Main Lodge Men's	A	A		Repeat			
8/31/2011	13:10	Main Lodge Wom	P	A		Repeat			
8/31/2011	13:15	Kitchen	P	A		Repeat	MCL		Citation No. 03-19-13C-003 issued.
9/13/2011	11:00	Main Lodge Kitche	A	A		Routine			
9/13/2011	11:00	Main Lodge Men's	A	A		Routine			
9/13/2011	11:00	Main Lodge Wom	A	A		Routine			
9/13/2011	11:15	Timberline Cabin	A	A		Routine			
9/13/2011	11:15	Wispering Pine Ca	A	A		Routine			
10/28/2011	11:00	Main Lodge Wom	A	A		Routine			
11/21/2011	11:45	Main Lodge Kitche	A	A		Routine			
12/21/2011	11:05	Main Lodge Men's	A	A		Routine			
1/20/2012	13:00	Whispering Pines	A	A		Routine			
2/20/2012	12:35	Kitchen Sink	A	A		Routine			
3/29/2012	12:15	Timberline Cabin	A	A		Routine			
4/15/2012	16:30	Main Lodge Kitche	A	A		Routine			
5/24/2012	14:30	Main Lodge	A	A		Routine			
6/22/2012	11:15	Main Lodge Wom	A	A		Routine			
7/16/2012	14:00	Main Lodge / Kitch	A	A		Routine			
8/23/2012	12:30	Main Lodge / Men'	A	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
9/7/2012	13:00	Care Takers Cabi	P	A		Routine		MR5	Enf ltr: 03-19-12E-034 Issued
10/23/2012	13:13	Main Lodge Kitche	A	A		Routine			
10/23/2012	13:15	Main Lodge Men's	A	A		Routine			
10/23/2012	13:15	Main Lodge Wom	A	A		Routine			
10/23/2012	13:20	Caretakers Cabin	A	A		Routine			
10/23/2012	13:20	Timberline Cabin	A	A		Routine			
10/23/2012	13:20	Whispering Pines	A	A		Routine			
11/27/2012	10:30	Main Lodge Kitche	A	A		Routine			
12/1/2012		Closed in Decemb							System not accessible due to heavy snow. No samples collected in December 2012.
1/1/2013		Closed in January							System not accessible due to heavy snow. No samples collected in January 2013.
2/5/2013	14:00	Main Lodge	A	A		Routine			

Frazier Woods Conference Center

1502084

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Violation</i>	<i>Comment</i>
8/31/2011	13:25	Well / Repeat	A	A			